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Mr. McKean's Letter

TO THE LEGISLATURE OF PENNSYLVANIA.

Hon. Lewis Dewart, Speaker of the House of Representatives of the Commonwealth of Pennsylvania.

SIR:—Please to lay before the honorable House of Representatives, over which you preside, the accompanying letter from me, addressed to that body; and oblige your obedient servant,

SAMUEL McKEAN.

Washington City, February 10, 1837.

A communication from Samuel McKean, Senator in Congress, expressing his sentiments that the resolution adopted by the Senate of the United States for expunging any part of their journal is unconstitutional

Gentlemen of the House of Representatives of the Commonwealth of Pennsylvania:

During a late period of extreme bodily suffering, from which I am but partially recovered, I received a letter from your presiding officer, covering a copy of a resolution passed by your body, affirming that the passage of a resolution by the Senate of the United States, censuring the President of the United States for a removal of the deposites, was unwise, inexpedient, and unjust, and that the expurgation from the journals of the Senate of the aforesaid resolution is, in the opinion of this House, a most salutary and constitutional redress for an unconstitutional attack on the character of the President of the United States; and that the Speaker of the House of Representatives be directed to forward a copy of the foregoing resolution to the President of the United States, and also one copy to each of the Senators from Pennsylvania in the Senate of the United States."

As I was providentially prevented from any participation in the recent deliberations and decision of the Senate in reference to the subject-matter of your resolution, it would now seem to be due to myself, and respectful to the House of Representatives, that I should state freely and frankly my true position in relation to that exciting subject; trusting that those charitable feelings which pervade my own breast, in ascribing opposite views to honest motives, will be reciprocated by the House of Representatives; for though I may have been sometimes charged with clemency, I am not conscious of having often been suspected of political timidity.

I am well aware that, by those who try to keep pace with the changes of the times I am classed with those monotonous politicians who are regarded by them merely as the monuments of times past and things which have existed. But, even in this obsolete character, I trust I may, without appearing arrogant, claim for myself one small merit, and, though it may have been denied to me in the composition of my nature the power to change with the facility and frequency of some, nevertheless I may run no great risk in promising, when once well changed, I will probably stay changed as long as any gentleman. It has been an especial object of my life, the observance of which I have found salutary and profitable, to observe and *shun* the errors of men, even great men, rather than labor to ape their imaginary excellence or supposed virtues, and have found it to be not less in accordance with inclination than the dictates of duty, to employ the best lights within my power to ascertain my true relation to the great mass of social intelligence which surrounds me. It is but superfluous to say that my humble origin and limited means denied to me those shining embellishments which decorate externally him who descants learnedly on what he is pleased to call the abstruse science of Government and Diplomacy. Mine have been but the unaided cogitations of native reflection, and long since convinced me that human Governments are but necessary to minor evils, tolerated only because they are designed to correct unnecessary and greater evils, and become intolerable when the exercise of power is carried beyond its legitimate end.

If men in the aggregate were what they ought be, or ought to be, I conclude the institution of Governments would never have been found necessary.

But men, seeing the defects and foibles of others, and, conscious of their own, have relinquished a portion of primary and individual rights to secure more permanently the interest and happiness of all. Hence Governments can only derive their just powers from the consent of the governed, and the sound *maxim*, that all political power is inherent in the people, is not more sound and true than that the people also possess the inherent right, and power to delegate, under prescribed fundamental rules, their inherent political powers for general beneficial purposes. Ours is justly called a government of the people, yet in ours the people have, for great and wise purposes, delegated and consented to a system, which, if the public interest required it, has power over all that is valuable and dear in life, and even over life itself: and if it be attempted by a fraction or portion of the people to resume as a primary right the exercise of powers thus delegated, it is subversive of the public peace and safety, an offence against society, disorganizing and revolutionary. Hence I adopt for myself the best and plainest definition of the term "*government*," as applicable to our own *uncontrollable exercise of appropriate powers, for the time being, or delegated period.*

I understand the resolution of the House of Representatives to aver, unqualifiedly, that the expurgation from the journals of the Senate of the resolution of the 28th of March, 1834, censuring the conduct of the President of the United States in relation to the deposites, is constitutional.

Gentlemen, after the most intense investigation and painful anxiety to know the truth, could I have arrived at the same conclusion that you have, it would have greatly relieved my mind, and then I might have voted without the appearance of inconsistency, to expunge and blot it out, for the Senate journals of those times *ought* to show that I was opposed to the resolution of the 28th of March, 1834, and in favor of admitting on the journals of the Senate the President's protest against it. I was confident at the time that the passage of that resolution was imprudent, calculated to do no good, and might do much harm. I declared so then, and have never for a moment held a contrary opinion since, and have always been ready to vote for a proposition reversing that resolution, and had prepared a proposition to "repeal, rescind, reverse and annul" it, which, if health had permitted, I would have offered as a substitute for the expunging resolution which passed the Senate on the 16th of January last.

But with due deference to the opinion of others, and not questioning the motives of any, it is my deliberate and most solemn conviction that the Senate cannot expunge any portion of its previous journals without a clear violation of that clause of the Constitution which expressly directs that "each House shall keep a journal of its proceedings, and from time to time publish the same."

True, it has been said, by way of extenuation, that the expunging resolutions prescribed by the Virginia Legislature do not propose to actually destroy journals, but only to draw black lines around and write certain opprobrious words across the offensive resolution, "*but the word must be expunge*." This, to my mind, presented the subject in its most exceptionable form, for at the same time the constitutional power to blot out and destroy the journals was evasively given up. Senators were asked to play off fantastical pranks by drawing black lines, which seemed to be more becoming the amusement of volatile boys than the grave deliberations of a Senate.

I would infinitely rather have met the question manfully, and vote at once to blot out, expunge, and literally destroy the journal. For long as I have been accustomed to venerate and respect the 'ancient dominion,' (Virginia,) her men and her principles, I am not quite ready to adopt implicitly her adroit and refined notions how to *infringe*, and not to violate the fundamental law of the country.

This anti-expunging doctrine is by no means new to me; it is an old and very familiar acquaintance, and received my especial attention and embraces more than twenty years ago, and has not been *expunged* from my memory, or diminished in my affections from that day to the present.

The Constitution of our own State (Pennsylvania) has the same provision as that contained in the Constitution of the United States, and reads thus: "Each House *shall* keep a journal of its proceedings, and publish the same weekly." This I have always held to be intentionally mandatory and directory, as strongly and clearly so as the import of language could make it, admitting of no construction, no cavil, no doubt; too clear to be illustrated by the power of argument, and too plain to be obscured by the refinement of sophistry. And so it has been held, and so decided by the proper and competent tribunals of Pennsylvania. My opinion has been long settled, and my actions governed accordingly, that, under the Constitutions of the United States and the State of Pennsylvania, the journal of each preceding day is made the exclusive and absolute property of the people, over which the Legislature has no further control, more than it has over the Constitution itself, and possesses no more power to deface, efface, erase, blot out, expunge, add to, or diminish from one sentence, line, or syllable, than it has to alter the Constitution, or to burn, or otherwise destroy, the entire journal from the commencement of the Government to the present time. The reasons for this constitutional injunction are to my mind as clear and forcible as the language in which it is expressed. The great and good men who penned that sacred instrument seem to have purposely guarded this point with peculiar language and care. "Each House *shall* keep a journal of its proceedings, and publish the same." And here the duties and power of the Legislature in reference to the journal cease; and this record shall thence remain sacred and inviolate, a perpetual and abiding evidence of the wisdom or folly, pure or impure motives, of the representatives of the people. How is it possible to prove the validity or genuineness of the results of legislation, such as laws, resolutions, and the other numerous duties incidental to legislative authority, except by referring to the written or original journal? Fundamental laws are designed as well to check, circumscribe, control, and govern majorities, as to protect and defend the rights of minorities; and had I not a right under the Constitution to claim and expect that protection against the arbitrary exercise of power to destroy the evidence on which I might hereafter wish to rely, to prove as well the principle as the fact, that I did oppose, and was right in opposing, the censorious resolution of the 28th of March, 1834? It is matter of complaint that a political party majority of the Senate at that time acted harshly. Would it not be wisdom in the adverse majority now to eschew and profit by, rather than imitate, their incautious example?

But it is said that the resolution of the 28th of March, 1834, is unconstitutional, and therefore ought to be expunged.—That is a qustion about which great and good men may honestly differ, and upon which it is not necessary to my present purpose to volunteer an opinion. Admitting it, however, for the sake of argument, to be unconstitutional, can it be amended by doing another unconstitutional act, by way of retaliation? Or where do we find the power to correct one unconstitutional act by another unconstitutional act? The object of the Constitution in directing that a journal shall be kept, could not be only to preserve the wise and virtuous acts of legislators; it also intended that their unwise and vicious transactions should be alike accessible to the public scrutiny and investigation: then, if the condemnatory resolution be unconstitutional, let its effects be blunted and annulled by an adverse expression of the Senate, placed on the journal, and let the objectionable resolution remain as the Constitution intended, an abiding testimony against its authors and supporters.

We need apprehend no positive evils in legislation, resulting from political minorities. Those only can abuse power, who are in the possession of power.

And we ought to be exceedingly cautious how we establish doubtful precedents in times of high party excitement; for though we may have numerical *power* now to expunge, blot out, and destroy, we ought not to forget that those who come after us may have a majority differing from us in sentiment, and, with our fatal example before them, may expunge us, and blot out our proceedings. Indeed, the first fluctuation which may give an adverse senatorial majority to the present, I anticipate an effort will be made to restore the journal which was mutilated on the 16th day of January, 1837; and thus the fatal error commenced, where is it to end?

We exhibit, at the present time, an exquisite refinement upon party rancor, which, to my mind, reflects no credit on our country, and the causes of which, at this particular period, may well occupy the serious thoughts of the statesman and patriot.

What have our eyes seen and our ears heard in the short space of three years? The highest functionaries of our Government, mutually charging upon each other, in official form, the corrupt violation of the sacred charter of our liberties. I claim for myself no superiority over, nor plead exception from, the common imperfections of our nature, and am as much disposed as ever to listen kindly to the suggestions of experienced friends, and will go proper and reasonable lengths to support party; but for no pretended expediency can I consent to lay violent hands on the Constitution.

The resolution of the House of Representatives, I presume, was originally designed as instructions for me to vote for the expunging resolution, and as such it would be entitled to and would have received my most respectful consideration; for I trust no gentleman holds in higher estimation the opinions of his Legislature than I do the opinions of mine, and I shall always be happy to find my opinions accord with theirs; but it is due to candor for me to state here that I recognise the force and obligation of legislative instructions, with some exceptions and qualifications, which it is not necessary for me at present to go into.

The doctrine of instruction means something or it means nothing; we must adopt it as paramount or indispensable, or we must give it a place among other occurrences, to be estimated according to time and circumstances. It will not satisfy an honest and intelligent public for us to hold instructions to be sacred and binding only when they answer our purpose, and reject instructions as useless when they operate against our views and interest. The Legislature of Pennsylvania, in choosing her Senators in Congress, do not act in separate bodies as Senate and House of Representatives, but meet in convention and vote conjointly, and a bare majority of the members voting is sufficient to elect.

How, then, does this matter stand, as regards the Pennsylvania Senators in Congress?

In 1835, two years ago, resolutions were proposed in the Legislature of Pennsylvania, instructing her Senators to vote to expunge from the journals of the Senate the resolution of the 28th of March, 1834, which were under consideration at different times, but never passed, and were finally permitted to sleep quietly.

About the same time expunging resolutions from the State of Georgia, transmitted to the Legislature of Pennsylvania, were indefinitely postponed; and this, too, at a time when both branches of the Legislature of Pennsylvania were decidedly friendly to the present Chief Magistrate of the Union. Now, if this proves any thing, it proves that the Legislature of Pennsylvania, at that time strongly Jacksonism, were at least disinclined to countenance or sanction the expunging doctrine; and what next?—Why, during the session of 1836, about one year ago, the House of Representatives of Pennsylvania passed a resolution, through all the parliamentary forms, instructing her Senators in Congress, *by name*, to vote against the Virginia, or any similiar, expunging resolution, by a vote of sixty four to twenty five, majority *thirty-nine*; it was not acted on by the Senate; but from the well known sentiments of that body, then and now, it is reasonable to suppose it would have added to the majority of the House of Representative. But be that as it may, you will observe that the majority in the House, who voted to instruct their Senators in Congress to vote against expunging is decidedly greater than the whole number of Senators, and as large, if not a larger majority of both Houses, than either of the present Pennsylvania Senators in Congress had received in joint ballot. Such is the true relation in which the Pennsylvania Senate stood in reference to legislative instructions on the 16th of January last. Now, if I am correct, and a reference to your journals will test it, it clearly follows that, for all practical purposes, the Pennsylvania Senators stood essentially instructed to vote against expunging, at the time it passed the Senate of the United States.

I state these facts at this time only to show that, in the plainest supposable case, we meet many difficulties at every step, in carrying out consistly the practical operations of the doctrine of implicit and unconditional obedience to legislative instructions.

But I must not forget that I have said that the anti-expunging doctrine has been long since asserted, and settled by the proper and competent tribunal of Pennsylvania; and as it devolves on me, I will now produce the PROOF. The origin of the case is not to be found of record, because it was informal, and grew out of a desultory and incidental debate on the 19th of February, 1816, upon the suggestion of a member to expunge from the journals of a previous day certain matters which he thought were irrelevant and unimportant. The Speaker gave it as his opinion that a majority of the House might order to be expunged from the journal proceedings on which the yeas and nays had not been called. This opinion was controverted and repelled by the most talented and experienced members of the House; and declared to be clearly unconstitutional, and of dangerous precedence and tendency. It was contended that if the House asserted the right to judge in one case what it might expunge from the journal, it followed that it had the same right to judge in all cases, and the journal would not longer be safe and inviolable, as was designed by the Constitution, but would be subjected to the political caprice of the majorities of each succeeding session, and the fluctuating and occasional majorities of each succeeding day.

The constitutional power to expunge any portion of the journal on any pretext whatever, even by the unanimous consent of the House, was utterly repudiated and denied, and the matter rested for that day. Being a new member of the House at that time, and anxious to understand my duties, the subject made a deep impression on my mind, which has never been forgotten or effaced.

On the next day, precisely twenty-one years ago this very day, see journal of the House of Representatives of Pennsylvania, page 359. "February 10, 1816, the Speaker informed the House that a constitutional question being involved in a decision by him yesterday, on a motion to expunge certain proceedings from the journals, he was desirous of having the opinion of the House on that decision," viz. "That a majority can expunge any proceedings from the journals on which the yeas and nays have not been called."

Whereupon,

Mr. Holgate and Mr. Smith appealed from said decision.

And on the question "Is the Speaker right in his decision?"

The members present voted as follows, viz.

Yeas—Messrs. J. Anderson, J. Bucher, and Dechert—3

Nays—Messrs. Allshouse, Alter, S. Anderson, Baird, Black, Boyd, Brodhead, Buchanan, C. Bucher, Clarke, Cochran, Conyngham, Coon, Denison, Dysart, Edwards, Eichelberger, Goodhart, Halderman, Hallowell, Hamilton, Hart, Herrington, Hibshman, Hiester, Hilliard, Holgate, Hottenstein, Humphrey, Hutchison, Jenks, Kelley, King, Kittera, Kryder, Lewis, Lightner, Livingston, Maclay, Marlin, Martin, M'Clure, M'Euen, M'Kean, M'Kibbon, Menough, Middleswarth, Miller, Morgan, Morton, Mosher, Norbury, Plumer, Powell, Ralston, Read, Rhoads, Rinker, Roberts, Robinette, Rowland, Sawyer, Scott, T. Sellers, Shaffer, Smith, Stewart, Stroman, Sutherland, Tryon, Vance, J. Wallace, P. Wallace, J. J. Wallis, Weston, White, Wind, and Wynkoop—78

I am aware that my humble name, recorded above with the majority against the opinion of the Speaker, who was my personal and political friend, adds but little to the weight of authority, but it will also be seen that many of the distinguished men of our State of that and the present day voted on the same side. How many of them have since changed, I know not; but one thing I know—the Constitution is yet the same. Such was, at that time, the almost unanimous opinion of the House of Representatives of Pennsylvania, on the simple and abstract question of constitutional power, unincumbered and unconnected with any party consideration or extraneous excitement to swerve the mind from its honest purpose, and the House recorded its solemn decision, 78 to 3, that a majority had no power, under the Constitution, to expunge any portion of its journals; and their decision, made in 1816, is diametrically opposed to the doctrine asserted by the House in 1837, viz. that it is constitutional to expunge the journals. And does not the Pennsylvania House of Representatives of 1837 possess as much power over the journals of their predecessors of 1816, as the Senate of the United States in 1837 possesses over the journals of their predecessors of 1834? Now, I respectfully ask the House of Representatives whether they claim the constitutional right and power to take from the archives the manuscript journal of 1816, and expunge the proceedings to which I refer, and thereby deprive me of the only evidence I have to prove that I am now stating correctly what then occurred, and that my present opinions are consistent with the sentiments which I then avowed.

But this is not all. There will be found on the journal of the same day, February 10th, 1816, page 361, the following, viz.

"A motion was made by Mr. BUCHANAN and Mr. KELLEY, and read as follows: '*Resolved*, That, in the opinion of this House, no part of the journals can be expunged, even by unanimous consent.'"

This resolution covers the whole ground. The remedy is as broad as the malady, and "the word was *expunge*." There was no diversity of opinion as to its proper meaning; and if the word expunge had five hundred different applications, they are all met by the resolution and proceedings of the House just referred to, as both assert that the journal cannot be *expunged*.

Time passes away and men change; but principles and truth are eternal. And I still hope that those good old Pennsylvania doctrines, asserted and acted on in the days when the venerable Madison commanded the *Constitution*, and the patriot Snyder stood at the helm of the ship *Pennsylvania*, may yet survive, and, like the coat of Hunks, again become fashionable and valuable.

I wholly repudiate the sickly idea harped on by those who assume to be the keepers of his reputation, that the existence on the journals of the resolution of the 28th of March, 1834, has tarnished the character of the Chief Magistrate, and therefore it must be expunged.

...rue; and every popu... denies it. His fame stan... high to need any artific... And I protest against subm... ing the measure of my political faith ... be tested by the anomalous and degrad... ing standard of the Virginia expunging resolutions.

I ask pardon of the House for digressing in a few subsequent allusions to matters having no connexion with the House of Representatives. I could not, were I disposed to, be ignorant of the current insinuations from numerous irresponsible sources, to injure me politically in public estimation.

I perfectly understand the authors of the engines of detraction set in motion to dragoon me into a state of abject political servility, or to render life unpleasant as the price of independence and integrity. My first responsible political act was a vote given in 1808, to aid in bringing Simon Snyder into the gubernatorial chair.

To many of you it is known, and a recurrence to past events will prove, that I have enjoyed a reasonable, perhaps, as some have *complained*, an undue share of the confidence of every democratic administration from that to the present time. I have frequently, from a sense of duty, differed from my political friends in power, as to party measures, without once thinking that thereby I was incurring party proscription and anathema; and still less for expressing an honest difference of opinion as to the import and meaning of the Constitution. Having thus passed on, without known or intentional deviation, for a term of nearly thirty years, now, if nothing but immolation will appease my enemies, let the blow come. I am prepared for the WORST, and only regret that I can point to so many names, of higher merit, who have much sooner sunk under the baneful effects of this systematized ostracism.

The public records, as cited above, show clearly, that, acting under official oath twenty-one years ago, I declared against the doctrine of expurgation.

I must now be content with the opinion of the House as to my sincerity, when I declare that every consideration which I have been able to bestow on the subject since, has confirmed me stronger in the correctness of that opinion. Under these circumstances I ask the House of Representatives, what was my duty as a Senator? I answer for myself. If my health had permitted, I would have been taken to the Senate Chamber on the night of the 16th of January, and would have offered my proposition, reversing the resolution of the 28th of March, 1834; and if this had been rejected, I would then, as one of the most imperative and conscientious duties of my life, have voted against the expunging resolution, freely awarding to others, who have thought and acted differently, what I claim for myself, viz. honesty of purpose. I declare to you, gentlemen of the House of Representatives, that I could not vote for that resolution, without having, in my own estimation, COMMITTED a flagrant infraction of the constitution of my country a clear violation of the oath I had taken to support it, and must stand, ever after, before GOD and my own conscience, GUILTY of deliberate moral PERJURY

SAMUEL McKEAN.

Washington Feb 10 1837

From the Raleigh Register.

SUPREME COURT.

In the case of the *State* v *Benton*, decided at the present term of the Supreme Court, questions relating to the mode of drawing Juries, the time and manner of making challenges, and the nature and sufficiency of the grounds of challenge, were discussed at the bar and determined by the Court. And as the matters so determined are of immediate influence upon the practice in the Superior Courts, and in the regular course of publication the Report of the case will not reach the Profession before the close of the Spring Circuit, it is thought that a sketch of the points so determined, in anticipation of the full Report, will be acceptable alike to the Judges and the Bar of the Superior Courts.

A brief summary of these points has, under this impression, been prepared by a gentleman of the Bar, from the very elaborate, clear and learned opinion of the Court, as delivered by Mr. Justice Gaston, and we now present it to the public.

STATE v BENTON.

Abstract of the points ruled in this Case.

1. It is not error, for a Judge in a capital case to direct the Jurors of the original panel (more than twelve being in attendance) to be first drawn and tendered to the prisoner, although the prisoner demanded that the names of the talesmen should be put into the box and drawn with those of the original panel. For, although the latter proceeding *might* not be erroneous, the former is most regular and in best accordance with the statutory regulations on the subject of Juries. And the same mode of proceeding should be adopted, as well where a special *venire* has been awarded under the act of 1830, as where tales Jurors are summoned *de circumstantibus*.

2. When a Juror is directed by the Attorney General to stand aside until the panel is gone through, it is a challenge for cause *then* taken, but of which the cause is not to be declared until, by the whole number of Jurors being disposed of without completing an inquest, it becomes necessary to inquire of the cause of such challenge in order to proceed with the trial. Where the original panel is first drawn, (as it should always be if more than twelve of the Jurors are in attendance) the Attorney General must declare the cause of challenge taken to one of that panel so soon as that panel is disposed of, as it is not regular to call upon tales Jurors except for want of Jurors of the original panel. After the original panel is exhausted, *all the other Jurors in attendance*, whether summoned on a special *venire* or *de circumstantibus*, constitute but *one panel*—and the Attorney General has a right to withhold the declaration of his cause of challenge till it is gone through, subject to this qualification, that when the Court shall see that oppressive or other injurious consequences may result from the extreme assertion of such right, the Court may, in the exercise of a sound discretion to prevent such consequences, require him to declare the cause of challenge at an earlier period.—When less than 12 of the original panel are in attendance, they should be added to the *tales* and form one panel. The right so to set aside a Juror exist now, as it did before the act of 1827, giving a certain number of peremptory challenges to the Officer prosecuting for the State. And when the officer is called upon to assign his cause of challenge, if it be overruled by the Court, he may challenge the same Juror peremptorily, or he may, if he pleases, waive his challenge, and in that case the Juror may be tendered to the prisoner.

3. The disallowance of a legal challenge, whereby the party is compelled to accept as a Juror one whom he had a right to reject, is error in law, which vitiates the virdict, and is to be corrected not by a new trial, but properly by a *venire de novo*. Therefore a challenge should be distinctly taken, in order that the opposite party may either deny the truth of the matter alleged, or avoid it by counter-plea of new matter, or demur to its sufficiency in law. Where an issue of fact arises, as in the two first cases, it is to be tried, either by triers according to the ancient usage, or (which is the best and most convenient mode) by the Court, by the assent of the parties, according to our practice—and when the facts appear, either by finding or admission, the sufficiency of the challenge is a question of law, to the decision of which by the Judge, exception may be taken as in other cases—and the whole matter should then be distinctly set forth on the record. Where however nothing appears but a challenge taken for a certain cause and overruled by the Court, it will be intended that the cause of challenge was admitted or proved, and its sufficiency only passed on by the Judge. But if the *fact* be put in issue, *its* determination, whether by triers or the Court, is conclusive and cannot be re-examined.

4. The practice which has obtained in this State of putting to Jurors (before and without any challenge taken) what is called "the preliminary question," irregular and unwarranted by law. It is true the Judge, if he have reason to think there are improper persons on the list of Jurors, may, if he pleases, proceed to purge the panel before drawing and tendering the Jurors; or a Juror may ask to be excused on account of his state of mind, as well as other grounds, and the Judge may consider the application and, in his discretion, discharge the Juror; or if the parties choose, they may submit to the Judge to examine into the indifferency of the Jurors for them, and the Judge may, if he think proper, exercise this function, and in either case may, in order to exercise it with effect, examine the Jurors on oath; but in the last case, there should be an express waiver by the parties, of all right to challenge except peremptorily. Except in these instances, such preliminary examinations are improper—for until a Juror is challenged and the cause of challenge alleged, there is nothing before the Court to which any examination is pertinent. The party should first declare his challenge and its cause—if the fact alleged is denied, then, and not till then, arises a case for examination of the Juror or any other person.

5. A Juror to be competent must "stand indifferent as he stands unsworn," and therefore, one who has made up and declared his opinion touching the matter to be tried, is not a competent Juror.—This prejudication of the matter constitutes a principal cause of challenge; for the law, upon the fact of such prejudication appearing, determines that the Juror is under such a bias as does not leave his mind free to act upon the evidence; and therefore the fact being proved or admitted, nothing is left to discretion, but the Judge must declare the Juror unindifferent as a conclusion of law.—But no one can object to the Juror, on account of such bias, but the party against whom the bias operates; and therefore when a Juror is challenged by one accused of a crime on the ground that he has formed and expressed an opinion, it must appear, in order to sustain the challenge, that the opinion so formed and expressed was an opinion that the accused was guilty. To constitute ground of principal challenge, there must be a settled opinion—a case where the mind of the Juror is made up on the question to be tried. Hypothetical opinions—impressions not amounting to this state of mind—do not support a principal challenge. They lead to suspicion of bias, but do not show bias expressly—from them the law does not draw an inference of unindifferency, and therefore they can only be offered as ground of challenge to *the favour*, in which class of challenges, the question of unindifferency is submitted to the Court or the triers, as an inference of *fact* to be drawn or not drawn, as in their discretion shall seem proper in each case.

6. A Juror may be examined in every case to prove the cause of challenge alledged against him, unless the matter tend to his infamy or discredit; but to form and express an opinion that one accused of a crime is guilty, does not of itself import any thing infamous or discreditable in the Juror, and therefore a Juror challenged on that account may be himself examined to show the fact.

7. The ground on which declaring an opinion disqualifies a Juror is, that he may probably be influenced by that opinion, or the reasons on which it is founded, and not solely by the evidence offered on the trial. Therefore he who has found the same matter between other parties, or between the same parties in another suit, or in another trial between the parties in the same suit, is disqualified, since he ought not to be influenced by what he heard on the former trials; and yet the law presumes that he will be so influenced. And for the same reason he who forms and declares an opinion from report or hearsay is diqualified.

Albert G. Anderson, of Caswell county, has been admitted to County Court practice.

The Court rose on Saturday evening, after an arduous Term. The following opinions were delivered during the last week:

Ruffin, C. J. delivered the opinion of the Court in the case of McKinnon v McLean, from Cumberland; reversing the the Judgment below and rendering judgment for the plaintiff.

Also in the case of Den on demise of Skinner v Moore, from Chowan; reversin the judgment below.

Daniel, J. delivered the opinion of the Court in the case of Blue v Patterson, in Equity, from Moore; decree for Plaintiff.

Gaston, J. delivered the opinion of the Court in the case of Overman v Clemons, Ex'r, from Caswell; affirming the judgment below.

Also in the case of Black *et al.* v Ray *et al.* in Equity, from Moore; bill dismissed.

Also in the case of the Attorney General v State Bank, in Equity, from Wake; decree for Plaintiff.

REGULA GENERALIS.

Whereas appeals are frequently brought to this Court upon transcripts in which the pleadings are not set forth otherwise than by an abstract or memorandum thereof; and whereas the Act of Assembly creating this Court requires of the Judges to inspect the whole record and to render thereon the proper judgment of the law; it is declared that, henceforth, no final judgment shall be here entered in any cause, until the declaration and other pleadings be fully made and entered of record.

Congress.

IN SENATE—Thursday, March 2

FORTIFICATIONS AND SURPLUS REVENUE.

A message having been received from the House of Representatives disagreeing to the amendment of the Senate in striking out the 2d section of the fortification bill, providing for the distribution of the surplus revenue among the states,

Mr. WRIGHT moved that the Senate do insist upon its amendment.

Mr. CALHOUN expressed his hope that the Senate would recede, and not resist an expression of the will of the Representatives of the people given by so decided a majority as was said to have voted in the other house.

Mr. CLAY said it was at least in order to indulge in suppositions as to what had passed elsewhere; and supposing the land bill to have been rejected in the other House, (a fact he rejoiced to hear,) could any Senator doubt that there would remain a large surplus in the Treasury, especially if other measures which had passed the Senate, and which contemplated large expenditures, should follow the fate of the land bill?

He urged the propriety of submitting to an expression of the popular will, so distinctly manifested as it had now been. Was it not wisdom to look ahead?—to provide for the future? If a surplus accumulated, was it not better to return it to the people of the several states than to leave it in the hands of the deposite banks? As to what had lately been said by the Senator from Pennsylvania (Mr. Buchanan) in regard to his favor for a land bill he had formerly had the honor to introduce, and the favorable prospects of that bill, Mr. C. had not seen any indications in the course of the Senate which would encourage much hope for that measure, (though Mr. C. did not finally relinquish hope in regard to it;) but although he should infinitely prefer such a disposition of the surplus revenue as the bill proposed, he would accept, as an alternative measure, the distribution clause inserted by the other House in the fortification bill, rather than leave the money in the deposite banks. Mr. C. said that the country owed its thanks to the other house for what it had recently done; he rejoiced to see light breaking out in that glorious quarter, so immediately related to the people: and was it possible that a majority of the Senate would oppose the ascertained popular will in relation to the disposition of the surplus revenue? The Senate have tried the House once, and they insisted on the amendment. They knew the ground on which they stood; they well knew that they were with the people in the stand they had taken.

Would the Senate, with all these facts before them, repeat the vote they had given? He trusted not. He put it to the majority, who held the power of this body, whether they would not yield to the wishes of the people; wishes known not merely by the course of their Representatives, but through a thousand other channels, so that it was impossible to mistake it? Would gentlemen insist on leaving the public money in the hands of the deposite banks, and under *such* an agency as now superintended them?

Mr. CRITTENDEN made some remarks, which, owing to his relative position and the noise in the house, could not be heard at the Reporter's seat. He was understood to refer to the reproaches cast on him, and those who voted with him, on a former occasion, for the loss of the fortification bill; and to ask, if the fortification bill should now be lost, at whose door the blame would lie?

Mr. CALHOUN said something still less perfectly heard. He said the naked question was, whether the surplus revenue should be left in the deposite banks, or should be returned to the people to whom it belonged?

The question was now taken, and decided by yeas and nays, as follows:

Yeas—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Dana, Ewing of Illinois, Fulton, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Lyon, Mouton, Nicholas, Niles, Norvell, Page, Parker, Rives, Ruggles, Sevier, Strange, Tallmadge, Walker, Wright, Wall—28.

Nays—Messrs. Bayard, Clay, Clayton, Calhoun, Crittenden, Davis, Ewing of Ohio, Hendricks, Kent, Knight, Morris, McKean, Moore, Prentiss, Preston, Robbins, Southard, Spence, Swift, Tomlinson, Webster, White—22.

Inaugural Address,

DELIVERED BY MARTIN VAN BUREN, PRESIDENT OF THE UNITED STATES.

4th of March 1837.

FELLOW CITIZENS: The practice of all my predecessors imposes on me an obligation I cheerfully fulfil, to accompany the first solemn act of my public trust with an avowal of the principles that will guide me in performing it, and an expression of my feelings on assuming a charge so responsible and vast. In imitating their example, I tread in the footsteps of illustrious men, whose superiors, it is our happiness to believe, are not found on the executive calendar of any country. Among them we recognize the earliest and firmest pillars of the republic; those by whom our national independence was first declared; him who, above all others, contributed to establish it on the field of battle; and those whose expanded intellect and patriotism constructed, improved, and perfected the inestimable institutions under which we live. If such men, in the position I now occupy, felt themselves overwhelmed by a sense of gratitude for this, the highest of all marks of their country's confidence, and by a consciousness of their inability adequately to discharge the duties of an office so difficult and exalted, how much more must these considerations affect one who can rely on no such claims for favor or forbearance. Unlike all who have preceded me, the revolution, that give us existence as one people, was achieved at the period of my birth; and whilst I contemplate with grateful reverence that memorable event, I feel that I belong to a later age, and that I may expect my countrymen to weigh my actions with the same kind and partial hand.

So sensibly, fellow citizens, do these circumstances press themselves upon me, that I should not dare to enter upon my path of duty, did I not look for the generous aid of those who will be associated with me in the various and co-ordinate branches of the government; did I not repose, with unwavering reliance, on the patriotism, the intelligence, and the kindness, of a people who never yet deserted a public servant honestly laboring in their cause; and above all, did I not permit myself humbly to hope for the sustaining support of an ever watchful and beneficent Providence.

To the confidence and consolation derived from these sources, it would be ungrateful not to add those which spring from our present fortunate condition. Though not altogether exempt from embarrassments that disturb our tranquility at home and threaten it abroad, yet in all the attributes of a great, happy, and flourishing people, we stand without a parallel in the world. Abroad we enjoy the respect, and, with scarcely an exception, the friendship of every nation; at home, while our government quietly, but efficiently, performs the sole legitimate end of political institutions, in doing the greatest good to the greatest number, we present an aggregate of human prosperity surely not elsewhere to be found.

How imperious, then, is the obligation imposed upon every citizen, in his own sphere of action, whether limited or extended, to exert himself in perpetuating a condition of things so singularly happy. All the lessons of history and experience must be lost upon us, if we are content to trust alone to the peculiar advantages we happen to possess. Position and climate, and the bounteous resources that nature has scattered with so liberal a hand—even the diffused intelligence and elevated character of our people—will avail us nothing, if we fail sacredly to uphold those political institutions that were wisely and deliberately formed, with reference to every circumstance that could preserve, or might endanger, the blessings we enjoy. The thoughtful framers of our constitution legislated for our country as they found it. Looking upon it with the eyes of statesmen and of patriots, they saw all the sources of rapid and wonderful prosperity; but they saw also that various habits, opinions, and institutions, peculiar to the various portions of so vast a region, were deeply fixed. Distinct sovereignties were in actual existence, whose cordial union was essential to the welfare and happiness of all. Between many of them there was, at least to some extent, a real diversity of interest, liable to be exaggerated through sinister designs; they differed in size, in population, in wealth, and in actual and prospective resources and power; they varied in the character of their industry and staple productions; and in some existed domestic institutions, which unwisely disturbed, might endanger the were all these circumstances weighed, and the foundations of the new government harmony of the whole. Most carefully laid upon the principles of reciprocal concession and equitable compromise. The jealousies which the smaller states might entertain of the power of the rest were allayed by a rule of representation, confessedly unequal at the time, and designed forever to remain so. A natural fear that the broad scope of general legislation might bear upon and unwisely control particular interests, was counteracted by limits strictly drawn around the action of the federal authority; and to the people and the states was left unimpaired their sovereign power over the innumerable subjects embraced in the internal government of a just republic, excepting such only as necessarily appertain to the concerns of the whole confederacy, or its intercourse as a united community, with the other nations of the world.

This provident forecast has been varified by time. Half a century, teeming with extraordinary events, and elsewhere producing astonishing results, has passed along, but on our institutions it has left no injurious mark. From a small community, we have risen to be a people powerful in numbers and in strength; but with our increase has gone hand in hand the progress of just principles; the privileges, civil and religious, of the humblest individual are still sacredly protected at home; and while the valor and fortitude of our people have removed far from us the slightest apprehension of foreign power, they have not yet induced us, in a single instance, to forget what is right. Our commerce has been extended to the remotest nations; the value, and even nature, of our productions has been greatly changed; a wide difference has arisen in the relative wealth and resources of every portion of our country; yet the spirit of mutual regard and of faithful adherence to existing compacts, has continued to prevail in our councils, and never long been absent from our conduct. We have learned, by experience, a fruitful lesson; that an implicit and undeviating adherence to the principles on which we set out can carry us prosperously onward through all the conflicts of circumstances, and the vicissitudes inseparable from the lapse of years.

The success that has attended our great experiment, is in itself a sufficient cause for gratitude, on account of the happiness it has actually conferred, and the example it has unanswerably given. But to me, my fellow citizens, looking forward to the far-distant future, with ardent prayers and confiding hopes, this retrospect presents a ground for still deeper delight. It impresses on my mind a firm belief that the perpetuity of our institutions depends upon ourselves; that if we maintain the principles on which they were established, they are destined to confer their benefits on countless generations yet to come; and that America will present to every friend of mankind the cheering proof, that a popular Government, wisely formed, is wanting in no element of endurance or strength. Fifty years ago, its rapid failure was boldly predicted. Latent and uncontrollable causes of dissolution were supposed to exist, even by the wise and good, and not only did unfriendly or speculative theorists anticipate for us the fate of past republics, but the fears of many an honest patriot overbalanced his sanguine hopes. Look back on these forebodings, not hastily, but reluctantly made, and see how, in every instance, they have completely failed.

An imperfect experience, during the struggles of the revolution, was supposed to warrant a belief that the people would not bear the taxation requisite to discharge an immense public debt already incurred, to defray the necessary expenses of the Government. The cost of two wars has been paid, not only without a murmur, but with unequalled alacrity

No one is now left to doubt that every burden will be cheerfully borne that may be necessary to sustain our civil institutions, or guard our honor or our welfare. Indeed, all experience has shown that the willingness of the people to contribute to these ends in cases of emergency, has uniformly outrun the confidence of their representatives.

In the early stages of the new Government, when all felt the imposing influence, as they recognized the unequalled services of the first President, it was a common sentiment, that the great weight of his character could alone bind the discordant materials of our Government together, and save us from the violence of contending factions. Since his death, nearly forty years are gone. Party exasperation has been often carried to its highest point; the virtue and the fortitude of the people have sometimes been greatly tried: yet our system, purified and enhanced in value by all it has encountered, still preserves its free and fearless discussion, blended with unimpaired fraternal feeling.

The capacity of the people for self-government, and their willingness, from a high sense of duty, and without those exhibitions of coercive power so generally employed in other countries, to submit to all needful restraints and exactions of the municipal law, have also been favorably exemplified in the history of the American States. Occasionally, it is true, the ardor of public sentiment, outrunning the regular progress of the judicial tribunals, or seeking to reach cases not denounced as criminal by the existing law, has displayed itself in a manner calculated to give pain to the friends of free government, and to encourage the hopes of those who wish for its overthrow. These occurrences, however, have been far less frequent in our country than in any other of equal population on the globe; and with the diffusion of intelligence it may well be hoped that they will constantly diminish in frequency and violence. The generous patriotism and sound common sense of the great mass of our fellow-citizens, will assuredly, in time, produce this result; for as every assumption of illegal power not only wounds the majesty of the law, but furnishes a pretext for abridging the liberties of the people, the latter have the most direct and permanent interest in preserving the great land-marks of social order, and maintaining, on all occasions, the inviolability of those constitutional and legal provisions which they themselves have made.

In a supposed unfitness of our institutions for those hostile emergencies, which no country can always avoid, their friends found a fruitful source of apprehension, their enemies of hope. While they foresaw less promptness of action than in Governments differently formed, they overlooked the far more important consideration, that with us war could never be the result of individual or irresponsible will, but must be a measure of redress for injuries sustained, voluntarily resorted to by those who were to bear the necessary sacrifice, who would consequently feel an individual interest in the contest, and whose energy would be commensurate with the difficulties to be encountered. Actual events have proved their error; the last war, far from impairing, gave new confidence to our Government; and amid recent apprehensions of a similar conflict we saw that the energies of our country would not be wanting in suitable season to vindicate its rights. We may not possess, as we should not desire to possess, the extended and ever ready military organization of other nations; we may occasionally suffer in the outset for the want of it; but, among ourselves, all doubt upon this great point has ceased, while a salutary experience will prevent a contrary opinion from inviting aggression from abroad.

Certain danger was foretold from the extension of our territory, the multiplication of states, and the increase of population. Our system was supposed to be adapted only to boundaries comparatively narrow. These have been widened beyond conjecture; the members of our confederacy are already doubled; and the numbers of our people are incredibly augmented. The alleged causes of danger have long surpassed anticipation, but none of the consequences have followed. The power and influence of the republic have risen to a height obvious to all mankind; respect for its authority was not more apparent at its ancient, than at its present limits; new and inexhaustible sources of general prosperity have been opened; the effects of distance have been averted by the inventive genius of our people, developed and fostered by the spirit of our institutions; and the enlarged variety and amount of interests, productions, and pursuits, have strengthened the chain of mutual dependence, and formed a circle of mutual benefits, too apparent ever to be overlooked.

In justly balancing the powers of the Federal and State authorities, difficulties nearly insurmountable arose at the outset, and subsequent collisions were deemed inevitable. Amid these it was scarcely believed possible that a scheme of government, so complex in construction, could remain uninjuried. From time to time embarrassments have certainly occurred, but how just is the confidence of future safety imparted by the knowledge that each in succession has been happily removed. Overlooking partial and temporary evils as inseparable from the practical operation of all human institutions, and looking only to the general result, every patriot has reason to be satisfied. While the Federal Government has successfully performed its appropriate functions in relation to foreign affairs, and concerns evidently national, that of every State has remarkably improved in protecting and developing local interests and individual welfare; and if the vibrations of authority have occasionally tended too much towards one or the other, it is unquestionably certain that the ultimate operation of the entire system has been to strengthen all the existing institutions, and to elevate our whole country in prosperity and renown.

The last, perhaps the greatest, of the prominent sources of discord and disaster supposed to lurk in our political condition, was the institution of domestic slavery. Our forefathers were deeply impressed with the delicacy of this subject, and then treated it with a forbearance so evidently wise, that in spite of every sinister foreboding, it never, until the present period, disturbed the tranquility of our common country. Such a result is sufficient evidence of the justice and patriotism of their course; it is evidence, not to be mistaken, that an adherence to it can prevent all embarrassment from this, as well as from every other anticipated cause of difficulty or danger. Have not recent events made it obvious to the slightest reflection, that the least deviation from this spirit of forbearance is injurious to every interest, that of humanity included? Amidst the violence of excited passions, this generous and fraternal feeling has been sometimes disregarded; and, standing as I now do before my countrymen in this high place of honor and of trust, I cannot refrain from anxiously invoking my fellow citizens never to be deaf to its dictates. Perceiving, before my election, the deep interest this subject was beginning to excite, I believed it a solemn duty fully to make known my sentiments in regard to it; and now, when every motive for misrepresentation has passed away, I trust that they will be candidly weighed and understood. At least, they will be my standard of conduct in the path before me. I then declared that, if the desire of those of my countrymen who were favorable to my election was gratified, 'I must go into the Presidential Chair the inflexible and uncompromising opponent of every attempt, on the part of Congress, to abolish slavery in the District of Columbia, against the wishes of the slaveholding States; and also with a determination equally decided to resist the slightest interference with it in the states where it exists.' I submitted also to my fellow citizens, with fullness and frankness, the reasons which led me to this determination. The result authorizes me to believe that they have been approved, and are confided in, by a majority of the people of the United States, including those whom they most immediately affect. It now only remains to add, that no bill conflicting with these views can ever receive my constitutional sanction. These opinions have been adopted in the firm belief that they are in accordance with the spirit that actuated the venerated fathers of the republic, and that succeeding experience has proved them to be humane, patriotic, expedient, honorable, and just. If the agitation of this subject was intended to reach the stability of our institutions, enough has occurred to show that it has signally failed; and that in this as in every other instance, the apprehensions of the timid and the hopes of the wicked for the destruction of our Government, are again destined to be disappointed. Here and there, indeed, scenes of dangerous excitement have occurred; terrifying instances of local violence have been witnessed; and a reckless disregard of the consequences of their conduct has exposed individuals to popular indignation; but neither masses of people, nor sections of the country, have been swerved from their devotion to the bond of union, and the principles it has made sacred. It will be ever thus. Such attempts at dangerous agitation may periodically return, but with each the object will be better understood.—That predominating affection for our political system which prevails throughout our territorial limits; that calm and enlightened judgment which ultimately governs our people as one vast body; will always be at hand to resist and control every effort, foreign or domestic, which aims, or would lead, to overthrow our institutions.

What can be more gratifying than such a retrospect as this! We look back on obstacles avoided and dangers overcome; on expectations more than realized, and prosperity perfectly secured. To the hopes of the hostile, the fears of the timid, and the doubts of the anxious, actual experience has given the conclusive reply. We have seen time gradually dispel every unfavorable foreboding, and our constitution surmount every adverse circumstance, dreaded at the outset as beyond control. Present excitement will at all times magnify present dangers; but true philosophy must teach us that none more threatening than the past can remain to be overcome; and we ought, for we have just reason, to entertain an abiding confidence in the stability of our institutions, and an entire conviction that, if administered in the true form, character and spirit in which they were established, they are abundantly adequate to preserve to us and our children the rich blessings already derived from them; to make our beloved land, for a thousand generations, that chosen spot where happiness springs from perfect equality of political rights.

For myself, therefore, I desire to declare, that the principle that will govern me in the high duty to which my country calls me, is a strict adherence to the letter and spirit of the constitution, as it was designed by those who framed it. Looking back to it as a sacred instrument carefully and not easily framed; remembering that it was throughout a work of concession and compromise; viewing it as limited to national objects; regarding it as leaving to the people and the states all power not explicitly parted with; I shall endeavor to preserve, protect and defend it, by anxiously referring to its provision for direction in every action. To matters of domestic concernment which it has entrusted to the Federal Government, and to such as relate to our intercourse with foreign nations, I shall zealously devote myself; beyond those limits I shall never pass.

To enter, on this occasion, into a further or more minute exposition of my views on the various questions of domestic policy, would be as obtrusive as it is probably unexpected. Before the suffrages of my countrymen were conferred upon me, I submitted to them, with great precision, my opinions on all the most prominent of these subjects. Those opinions I shall endeavor to carry out with my utmost ability.

Our course of foreign policy has been so uniform and intelligible as to constitute a rule of executive conduct which leaves little to my discretion, unless indeed I were willing to run counter to the lights of experience and the known opinions of my constituents. We sedulously cultivate the friendship of all nations, as the condition most compatible with our welfare, and the principles of our Government. We decline alliances, as adverse to our peace. We desire commercial relations on equal terms, being ever willing to give a fair equivalent for advantages received. We endeavor to conduct our intercourse with openness and sincerity; promptly avowing our objects, and seeking to establish that mutual frankness which is beneficial in the dealings of nations as of men. We have no disposition, and we disclaim all right, to meddle in disputes, whether internal or foreign, that may molest other countries; regarding them, in their actual state as social communities, and preserving a strict neutrality in all their controversies. Well knowing the tried valor of our people, and our exhaustless resources, we neither anticipate nor fear any designed aggression; and, in the consciousness of our own just conduct, we feel a security that we shall never be called upon to exert our determination, never to permit an invasion of our rights without punishment or redress.

In approaching, then, in the presence of my assembled countrymen, to make the solemn promise that yet remains, and to pledge myself that I will faithfully execute the office I am about to fill, I bring with me a settled purpose to maintain the institutions of my country, which, I trust, will atone for the errors I commit.

In receiving from the people the sacred trust twice confided to my illustrious predecessor, and which he has discharged so faithfully and so well, I know that I cannot expect to perform the arduous task with equal ability and success. But united as I have been in his counsels, a daily witness of his exclusive and unsurpassed devotion to his country's welfare, agreeing with him in sentiments which his countrymen have warmly supported, and permitted to partake largely of his confidence, I may hope that somewhat of the cheering approbation will be found to attend upon my path. For him, I but express, with my own, the wishes of all—that he may yet long live to enjoy the brilliant evening of his well-spent life; and, for myself, conscious of but one desire, faithfully to serve my country, I throw myself, without fear, on its justice and kindness. Beyond that, I only look to the gracious protection of the Divine Being, whose strengthening support I humbly solicit, and whom I fervently pray to look down upon us all. May it be among the dispensations of his providence to bless our beloved country with honors and with length of days; may her ways be ways of pleasantness, and all her paths be peace.

A Sketch.—The Globe contains a very vivid sketch, from the hand of a correspondent, of an old seaman, by the name of *Reuben James*. It is almost too romantic to be true—but if its statements be supported by evidence, we hope the present Congress will not adjourn without slipping into some appropriation bill some addition to his present pension of $100. The Sketch states, that R. James was born in Delaware, in 1777—and entered the Naval service of the U. S. in '97 or '98. He was on board the Constellation, Com. Truxton, when he took the Le Insurgent, in '99; and beat the La Vengeance, in 1800. He next shipped on board the President, Com. Dale, 1801, and re-shipped on board the Chesapeake, in the Mediterranean service. He volunteered on board the schr. Enterprize, Lieut. now Com. Hull, which gave chase to a Tripolitan sloop of war that blew up. In 1803, he was one of the 60 men selected by Lieut. Decatur, to destroy the frigate Philadelphia—a feat which Lord Nelson pronounced 'the most bold and daring act of the age.' He was on board the gunboat commanded by Decatur, on the 3d of August, 1804, in the attack upon the battery and vessels of Tripoli, and is stated to be the seaman who saved Decatur's life; for, "this generous-minded tar, then dangerously wounded and deprived of the use of both his hands, rushed between him and the sabre, the stroke of which he received on his head, whereby he was severely wounded." He was subsequently in several other cruizes, and engaged in other actions—On board the United States, Capt. Decatur, when he captured the frigate Macedonian—on board the President, when the same Commodore whipped the Endymion. He was also in the Guerriere, Com. Decatur, when he captured the Algerine frigate with her Admiral—in the Independence 74, with Com. Bainbridge, and afterward in the Guerriere, Com. McDonough—with Com Porter, when he cruized against the pirates in the West Indies—with Thompson, in the Pacific Ocean—and re-shipped on board the Brandywine, in which he sailed for the South Seas, and returned to the Norfolk hospital in 1835. He is now 60 years of age, and has served 33 active years in the American Navy. In October last, he went on to Washington, where his right leg, which had been shattered by a musket-ball, was cut off in the Naval hospital, to which he had been ordered by the Secretary of the Navy. The operation had nigh cost him his life—and this characteristic anecdote is told of him:

"When the spasms were most severe, and deglutition and articulation both very difficult, he abandoned all hopes of a recovery, and begged of his surgeon, Dr. J. M. Foltz, of U. S. Navy, 'to ease him off handsomely,' exhibiting a degree of resignation and fortitude seldom to be met with. He, however, soon commenced improving, when it was necessary to use stimulants; he was asked which he would prefer, brown stout or brandy toddy. His reply was, with the true spirit of an 'old salt,' 'Suppose, Doctor, you give us both.' The maximum pension that can be allowed him by the Navy Department has been granted, about 100 dollars per annum, which is not sufficient to board and clothe him; 'and now that he has grown too old to fight, he is left either to beg or starve, which ever may best suit his convenience,' unless Congress should grant him a pension which would make him comfortable for the short time which will be yet allowed him to live."

HILLSBOROUGH.

Friday, March 10.

The inauguration of Martin Van Buren as President of the United States took place on Saturday last, the 4th instant. By yesterday evening's mail we received his Inaugural Address, which, by leaving out other matter, we have made room for in our paper to day.

We also received by the same mail the Farewell Address of President Jackson, which we shall give to our readers next week.

Murder.—On Saturday night last, a negro man named Boyd, the property of Mrs. Grice, of Sampson county, was stabbed in this town by another man named Bryant, the property of Norman McLeod, dec'd. Boyd died of the wound in about five hours. Bryant ran off, but was pursued, and taken on Sunday, about 5 miles from town, and is now in jail, awaiting his trial.

Fayetteville Observer.

General Jail Delivery.—On Sunday night last, the Jail of this county was broken, and nine prisoners made their escape. It was effected by means of a couple of augers and a crow bar, which, it is ascertained from a prisoner who remained, were handed in at the window on Saturday night, by a person whom he believed to be a white man. There were two others in the same room, one of whom a slave, *would not* leave his quarters, and the other, Bryant, who had that afternoon been lodged there on a charge of murder, *could not* follow, in consequence of his having been chained to the floor. *Ibid.*

TEXAS.

Rumored negotiation between the United States government and Santa Anna

The Washington correspondent of the Journal of Commerce, under date of the 20th instant, says—"A rumor, 'important, if true,' is in circulation to day. A treaty is said to have been concluded with General Santa Anna, as President of Mexico, while he was here, for the recognition of the independence of Texas and the cession of that territory, with the assent of Texas, to the United States, upon certain conditions. Upon making some inquiry, I have ascertained, from an authentic source, that rumor represents facts this time—and that the following are the terms of the treaty.—The independence of Texas is to be acknowledged both by the U. States and Mexico. The boundary between the U. States and Mexico, is to be the Rio del Norte. The U. States on their part, assume the payment of our citizens' claims upon Mexico—estimated at two millions. They also pay Mexico the sum of three millions. And thirdly, they agree to allow grants of land in Texas made by Mexico, in all cases where the conditions of said grants have been complied with, and to make a *pro rata* allowance to such grantees as have, *in part*, complied with said conditions. Texas, of course, is a party to the whole arrangement. If *Santa Anna* should succeed in resuming his power in Mexico, this treaty will be carried into effect. The Senate will be convened for the special purpose of submitting this treaty to them."

An independent Bank.—We learn through various sources, that the Bank of the State, in this city, although a deposite bank of the Government, has absolutely refused to recognize Whitney, in any manner, as an agent of the Government, and has never paid the slightest attention to his communications. In the first instance, one of the conditions proposed to the bank, on which the deposites were to be given, was, that it should contribute its proportion towards paying Whitney for his services; but this the bank peremptorily refused to accede to, and the condition was stricken out, in which the Secretary of the Treasury acquiesced. We understand that Gen. Patterson, who by virtue of his office as treasurer was a director of the bank, on his recent visit to Washington, was summoned to appear before the Committee of Investigation, when, we presume, this information was elicited.

Raleigh Register.

A citizen of Dallas county, Alabama, Wm. P. Molet, has given thirty thousand dollars for the promotion of education in that part of the state.

Markets.

Petersburg, March 2.

Cotton—14 a 15½ cents.
Tobacco—2 25 a 6 00.
Wheat—Red, 1 50 a 2 00.
White, 1 90 a 2 15.
Flour—Family, $12 00
Superfine, 11 00

Fayetteville, March 2.

Cotton—12½ a 15.
Wheat—1 50.
Flour—8 50 a 9 50.
Corn—80 a 90.
Flax Seed—1 25.

MARRIED,

At Yanceyville on the 9th ultimo, by the Rev. John Kerr, Mr. JOHN H. MEBANE, late of this county, now of Bertie, to Miss ANN GRAVES, daughter of Capt. William Graves.

DIED,

In this county, on Thursday, the 9th instant, Mrs. NANCY MINNIS, wife of Mr. John R. Minnis.

Weekly Almanac.

MARCH.	Sun rises.	Sun sets.		
10 Friday,	6 12	5 48		
11 Saturday,	6 11	5 49		
12 Sunday,	6 9	5 51		
13 Monday,	6 8	5 52		
14 Tuesday,	6 7	5 53		
15 Wednesday	6 6	5 54		
16 Thursday,	6 5	5 55		

D. H. M.
New 6 3 12 morn
First 13 1 50 morn
Full 22 1 38 after
Last 29 7 50 after

Orange Presbytery will meet in Hillsborough, on Wednesday the 19th of April.

NOTICE.

THE subscriber having qualified at the last term of Orange County Court of Pleas and Quarter Sessions, as Executor of the last will and testament of JAMES RAY, sen. deceased, hereby gives notice to all persons indebted to said deceased to make immediate payment, and those having claims to present them properly authenticated within the time prescribed by law, otherwise this notice will be plead in bar of their recovery.

HEZEKIAH TERRY, *Ex'r.*
March 10 06—

Negroes for Sale.

ON Saturday the 1st. day of April next, I shall proceed to sell, to the highest bidder, at the late residence of James Ray, senr. deceased, on a credit of twelve months,

8 or 10 Likely Negroes,

besides many other articles. Bond and approved security required.

HEZEKIAH TERRY, *Ex'r.*
March 10. 60—

STRAY.

Taken up and entered on the Stray Book of Orange county, on the 27th of February, by Abner Parker, at Red Mountain, an opossum grey MARE, about five years old this spring, four feet ten inches high, hind feet a little white.

JOHN A. FAUCETT, *Ranger.*
March 9. 60- 3w

For Sale,

LINTSEED OIL. Also, a small lot of FAMILY FLOUR.

CASH or GOODS will be given for FLAX SEED.

O. F. LONG & Co.
March 2. 59—

Land for Sale.

I OFFER for sale the TRACT OF LAND on which I now live, lying four miles west of Ruffin's mill, and half a mile north of Wm. Holt, esq., containing 200 Acres, with a tolerable DWELLING HOUSE and all necessary out buildings, an excellent Apple Orchard, and a good Meadow. Persons wishing to purchase will do well to call and see the premises.

JOHN WHITSITT.
March 2. 59—3w

MY AIN WIFE.

I wadna gie my ain wife
For ony wife I see;
I wadna gie my ain wife
For ony wife I see.
A bonnier yet I've never seen,
A better canna be—
I wadna gie my ain wife
For ony wife I see.

O couthie is my ingle cheek,
An' cheerie is my Jean;
I never see her angry look,
Nor hear her word on ane.
She's guid wi' a' the neighbors roun,
An 'ay is guid wi' me;
I wadna gie my ain wife
For ony wife I see!

An' O her looks sae kindle,
They melt my heart out right,
When o'er the baby at her breast
See hangs wi' fond delight;
She looks intil its bonnie face,
An' syne looks to me—
I wadna gie my ain wife
For ony wife I see!

From the Providence Journal

AN ELOPEMENT.

Frank, I am going to be married.

To be what, Bob?

Married.

Married, Bob?

Ah! married, why not? and to-morrow evening.

Who can be such a fool?

I spoke rather thoughtlessly to be sure, but it was so natural. Bob was a clever fellow—one of that class of people who lend umbrellas and penknives, a very good natured fellow—but every body said when they called him so, 'what a pity he had not a little more sense.' He would do any thing for you, and you might do any thing to him, and as for his being offended, it was something he never dreamed of, and in fact people said he did not know enough to be offended—a very malicious observation undoubtedly, but one that somehow gained wondrous credit. I was at a loss to imagine who Bob could have imposed upon so much as to persuade to become his wife, and ran through the whole list of nursery maids and milliners' apprentices that I had ever seen without being able to arrive at any satisfactory conclusion. I spoke therefore my thoughts when I said 'Who can be such a fool?'

Fool, said Bob, without comprehending that my remark was other than a general one. You don't think a lady a fool for being married, do you?

Only under particular circumstances, I replied.

But there are difficulties in the way.

I should think there might be.

And I rely on you to assist me.

Really, my dear Bob, I would do almost any thing to oblige you; but I don't think I could persuade a lady to *marry* you. I am not eloquent. Besides I have a conscience—

Oh, she has consented—but her father—these fathers, you know, are always in the way. I have not asked him, but she says it will be of no use, and so we must elope. To-morrow evening is the appointed time, and you, I am sure, will not refuse us your assistance.

I concluded that if any lady was foolish enough to run away with Bob, I should not be to blame for assisting them to do the thing handsomely. I also quieted my conscience by thinking that if things looked very bad I would carry the fair immortal to the insane hospital and send for her friends. So I consented.

I will assist you, Bob

Thank you; I will call and arrange matters with you in the morning. Good evening.

Good evening. But stop one moment; who is the lady?

Didn't I tell you? Marianna F——.

I was glad that it was evening, and Bob could not see my face. I think it must have turned all colors. I leaned against the house for support. Could it be possible? Marianna F——, my Marianna; she whose devoted slave I have been for six mortal weeks—to whom I had written reams of red hot letters—(there is the true secret of the surplus revenue)—for whose sake I had given up smoking, and gone to church with the regularity of a sexton merely to look upon her pretty face—to whom I had sworn more vows than I could ever perform, should I live to the age of Methuselah—whom for six weeks I had flirted with all the morning, danced with all the evening, and serenaded half the night. She, of all others, to jilt me—to elope—to run away, and with such a fellow as Bob—a fool, an ideot. Alas! They say

"Joy laug s at lovers' perjuries,"

The old fellow must keep up a terrible giggling. I went home melancholy, as may well be imagined; it is no slight thing to a sensitive man like me, to be jilted, after a six weeks honest and faithful courtship. I doubted in what way to commit suicide. Arsenic is very disagreeable; hanging is so abominably vulgar; and as for stabbing and sticking, that is too much like the way they kill calves and sheep.

At ten o'clock I stood with George F. Marianna's brother and my most particular friend.

George, I am going to kill myself.

You had better not, Frank—take a glass of wine.

Before this night closes I shall be a dead man.

Then you'll be sorry for it before morning, my word for it. Capital wine this—imported it myself.

George, you are my most particular friend.

Can't deny that, Frank; but I don't see what that has to do with your killing yourself; unless, indeed, you want me for an executor, or a bearer—I will serve with all my heart in either capacity.

George, were you ever serious?

Yes, when my horses ran away, and left me to walk nine miles in the rain, I can put on a long face now, if you particularly desire it. There—see what a dolorous expression; I should do credit to the deaconship. Quick—out with your tale of tribulation, for I can't keep my face screwed up in this manner long.

You are aware, George, of the peculiar situation in which I stand in relation to Marianna. Circumstances have occurred which convince me that I have been most cruelly deceived; life is no longer desirable, or even endurable.

Fudge! find another girl. I can show you one worth half a dozen of her. You allude, I suppose, to the affair of Bob.

I do, but I was not aware that you knew any thing about it.

Yes; they have made me their *confidante*. I am to provide the horses. Bob says you promised to be groomsman—I would have taken the office myself, but it will not do for me to be known in the affair. It would be deemed uncivil for you to kill yourself just before the wedding, Frank.

And is it possible that Marianna has confided this to you? Did she say nothing of me?

Oh yes! she said something about you—wished you much happiness—very sorry to disappoint you—and really hoped, and valued your friendship—and all that you know. I told her you would not care a cent, would be glad to get rid of her—and really Frank, I did not think you would be so much troubled by so very trifling an affair; I have a dozen lady loves, and you shall have your choice of them.

I thanked my friend for his generosity, but he evidently did not understand my feelings.

To bear is to conquer our fate. Strange as it may seem I resolved to accept the invitation of Bob to be present at his wedding—to reproach the faithless fair one for her inconstancy, even before the altar—and after having shown my generosity and magnanimity by giving her up, when I couldn't help it, I would commit suicide at my leisure.

The clock struck nine and I stood at the appointed place, two squares off—we did not dare to go nearer on account of the noise. Bob had gone for the lady; he soon appeared with her leaning on his arm. She was closely muffled in her cloak, and her veil was down. She passed me without recognition, though the street lamp shone full in my face, and I was so near that I touched her dress. I thought she seemed taller than she ever did before, and her step was unusually heavy. 'Dreadfully agitated,' whispered Bob as he entered the carriage, 'hasn't spoken a word since she left the house.' I closed the door, and mounted the box with the driver, for the double purpose of pointing out the way, and leaving the lovers to an uninterrupted *tete a tete*. We dashed over the pavement at a killing pace. The hoofs of our noble horses struck fire at every bound. I pulled out a box of loco focos and lighted a cigar. There is nothing in this world for a broken heart, like tobacco; I grew easier at every puff, and my heart lightened with every whiff of smoke that rose gracefully over my head. In a couple of hours we arrived at our place of destination. Still agitated, whispered Bob as he descended the steps, she has not said a word while we have been in the coach, and considering what a talker she is, it is wonderful.

We were too early by near an hour, and after some consultation, Bob concluded to go for the clergyman, and leaving the bride elect in my charge, having first conducted her into the house. I walked beneath her window, tossed by a thousand emotions. At one time I resolved to conduct myself with stoic indifference, and see her given to another; then I half determined to rush into the room where she was, and claim her as my own. I heard her bell ring, and in a few minutes I saw a servant enter her room, with something on a waiter. I continued walking before her windows, till at last I could restrain myself no longer—she might have fainted I thought. I entered the house, and put a trembling hand upon the latch of her door; it yielded to the pressure, and I stood in the presence of the "lost love or mine." Good heavens! as I live, there sat a lady with her feet on the table, a cigar in her mouth, and a glass of smoking hot whiskey punch beside her.

What in the name of wonder does this mean?

Ah, Frank, I thought you had committed suicide, answered the familiar voice of my friend George F. escaping through a wilderness of bonnets, caps and tabs.

George, explain yourself!

I think my situation explains itself; you see that your friend Bob has eloped with me, we shall in all probability be married in an hour.

I wish him joy of his bride, with all my heart; but I do not understand, will the fair lady condescend to give an explanation?

Why the truth is, Frank, some one persuaded Bob—who you know is the greatest fool alive—that Marianna was very much taken with his pretty face. In consequence he wrote her a note—I saw it; I frequently peep into Mari's letters—(don't look so grave, Frank; I never read yours—too abominably long—too dull and silly)—I answered it in her name and in the prettiest crow quill you ever saw. That brought a reply from the gallant Bob. In a few days, we had an elopement regularly contrived. The poor fellow never suspected anything, for although Marianna refused to see him whenever he called, and scarcely nodded to him in the street, I explained all in my letters, and he was perfectly satisfied. The rest you know, and here I am; and now Frank, (taking the cigar out, and finishing his glass of punch at a draught,) don't you think I make an excellent lady? Rather too tall for Mari's dress to be sure, but short frocks are all the fashion.

I did not wait for the ardent lover to return, but hastened homewards. If you conclude to commit suicide, said George as I turned away, leave me your watch.

LOOK AT THIS!

LATIMER & MEBANE,

HAVE just received from New York and Philadelphia, and now offer for sale, the largest and best assortment of

Rich and Fashionable DRY GOODS

ever offered in this market, amongst which are almost every article of

STAPLE & FANCY DRY GOODS,

ALSO

Groceries, Hardware, Queensware, Hats and Shoes,

besides many other articles too tedious to mention. The Goods were principally purchased with cash, and will be sold low for the same.

LATIMER & MEBANE.

☞ **Cash** will be given for **5000 bushels of Wheat.**

September 6. 35

New's Improved Saddles

THE subscriber has obtained the exclusive right for the county of Orange, for

BEARD'S PATENT

Steel Spring Seat Saddles,

Spring Girth & Iron Horn.

Certificates from numerous persons testify that saddles made with these improvements possess advantages superior to all others; they give ease and comfort to the rider, and save him from the fatigue common to the use of other saddles.

The subscriber intends keeping on hand a supply of these Saddles or will make them to order if required.

He also keeps on hand his usual supply of Saddles, Bridles, Harness, &c. which he will dispose of on accommodating terms.

SOLOMON FULLER.

P. S. A Boy fourteen or fifteen years of age, of steady habits will be taken as an apprentice to the above business.

November 3. 43—

BACON.

40,000 LBS. North Carolina BACON, and 2000 Pounds LARD.

For sale by A. PARKS.

March 2. 59—

NOTICE.

THE subscriber having qualified as executor to the last will and testament of ROBERT MOORE, deceased, hereby gives notice to all persons indebted to said estate to make immediate payment, and those having claims will present them properly authenticated within the time prescribed by law, or this notice will be plead in bar of recovery.

JOHN JONES, *Ex'r.*

February 28. 59—

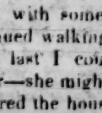
Wanted

A quantity of FLAX SEED and FEATHERS; for which merchandise will be given in exchange.

MICKLE & NORWOOD.

February 2. 55—

For Sale or Rent,



THAT well known stand at present occupied as a Dry Goods store by Col. Wm. T. Shields, agent for Robert Moderwell, deceased. It is but a few doors from the Court House, and in the centre of business. The house fronts 45 feet on the main street, and runs 26 back. The main body of the building contains six rooms and the wing two, with four fire places in all. There is a good dry cellar beneath the main building. The whole has recently undergone repair. With the addition of one or two outhouses, it might be converted into a comfortable dwelling for a family. Possession will be given on the 15th April.

For terms inquire at this office.

February 9. tf—56

WOOD—WOOD—WOOD!!

SUBSCRIBERS to the Recorder who intend to make payment in Wood, are requested to recollect that at this season of the year the article is much needed.

November 24. 46—

SEE HERE!!

FALL AND WINTER GOODS.

OSMOND P. LONG & CO.

HAVE the pleasure of informing their friends and the public generally, that they have just received and now offer for sale, at the old stand of R. Nichols & Co.

A VERY LARGE AND GENERAL ASSORTMENT OF

Fall and Winter Goods.

Their Goods have been selected with great care in the New York and Philadelphia markets, and bought entirely with cash; they therefore feel confident in saying, they can and will sell as good bargains as any other house in the place.

Call and examine our goods, and decide for yourselves; if you like them and our prices, we will thank you for your custom.

☞ Goods will be given in exchange for every description of *Country-made* Cloth.

O. P. Long & Co. would respectfully tender their thanks to the public for the very liberal patronage they have heretofore received, and hope, by close attention to their business and moderate prices, still to merit and receive a respectable portion of their custom.

October 13. 40—

LINE OF PACKETS

To Fayetteville.

THE schooners CAROLINE and CALEB NICHOLS, Steamer WILMINGTON, and TOW BOATS will take measurement Goods at New York and deliver them at Fayetteville, at the established rates, free of all other charges.

Heavy Goods will be taken as above specified, except that they will at times, when the river is very low, be subject to storage and labor of stoning, which we trust will be seldom required, as the Steamer and Tow Boats are of the newest construction and light draught of water.

The Goods at the owner's risk the same as in the hands of forwarding merchants.

Freight payable on delivery at Fayetteville.

All persons shipping Goods by the above line, will please hand a list of the Goods shipped to Messrs. Pollock & Brown, or advise me.

WILLIAM DOUGALL, *Proprietor.*

WILKINGS & BELDEN,

Agents at Fayetteville.

September 8 35—

FARMER'S HOTEL.

THE subscriber having taken that well-known stand in the town of Hillsborough, THE FARMER'S HOTEL, formerly conducted by Mr. Turner, is prepared to entertain Travellers and Boarders; and hopes, by strict attention and the goodness of his accommodations, to be able to give general satisfaction to all who may favor him with their custome. His charges will be as moderate as any other establishment of the kind in the place.

WILLIAM PIPER.

February 21. 58-

☞ The Raleigh Star and Greensborough Telescope will insert the above three months and send their accounts to this office for payment.

NORTH CAROLINA

STATE LOTTERY,

FOR THE BENEFIT OF

THE SALISBURY ACADEMY.

Third Class, for 1837.

To be drawn at Wadesborough, Anson Co. on Saturday the 18th of March.

COMBINATION SYSTEM.

75 number Lottery, 12 drawn ballots.

Stevenson & Points, *Managers*

CAPITAL PRIZE. { **$15,000!**

Principal Prizes.

One prize of $15,000—one of $6,000—one of $3,000—one of $2,500—ten of $1,000—ten of $600—twelve of $500—besides many of $300, $200, $100, &c. amounting in all to

$96,446 Dollars.

Whole Tickets,	$6 00
Halves,	3 00
Quarters,	1 50

☞ All prizes payable in CASH, forty days after the drawing, subject to a deduction of fifteen per cent.

*** Tickets for sale in the greatest variety of numbers, at my Office, one door above the store of Walker Anderson & Co., in Hillsborough, N. C.

ALLEN PARKS, *Agent*

DRAWN NUMBERS OF THE

NORTH CAROLINA STATE LOTTERY,

1st Class for 1837.

33-63-13-47-59-39-31-6-25-3-45-64

Four of 23 58—

The thorough bred race horse ALONZO,

Sired by the old American Eclipse, dam by old Sir Archie, will be exhibited at Hillsborough on the 2nd Monday in March, and will commence his spring season on that day, at thirty dollars the season—forty dollars to insure a foal—and twenty dollars a leap. Fifty cents to the groom for every mare placed with the horse. The season will expire on the 1st of July next. For Pedigree and Performances, see hand bills.

J. M. & R. W. WILLIAMS.

February 23. 58—

STRAY.

TAKEN up and entered on the Stray Book of Orange county, on the 31st of January, by Anderson Horne, living about six miles south east from Hillsborough, one SOW, white and black, with a smooth crop and upper bit in the right ear, and three white PIGS unmarked; one SOW, red with black spots, two smooth crops and a swallow fork in the right ear, and a slit in the left, with PIGS of sandy colour, unmarked.

JOHN A. FAUCETT, *Ranger.*

February 9. 56—

STATE OF NORTH CAROLINA,
Orange County.

Court of Pleas and Quarter Sessions, November Term, 1836.

William Strayhorn & others, vs. *Samuel Strayhorn and Samuel Tate administrators, &c. and others* } Petition for settlement.

IT appearing to the satisfaction of the Court, that David Strayhorn, John Strayhorn, Anderson Tate and Mary his wife, reside beyond the limits of this state; It is therefore ordered, that publication be made for six weeks successively in the Hillsborough Recorder, that unless the said David Strayhorn, John Strayhorn, Anderson Tate and Mary his wife, appear at the next Court of Pleas and Quarter Sessions to be held for the county of Orange, at the court house in Hillsborough, on the fourth Monday in February next, and then and there plead, answer, or demur, the said petition will be taken *pro confesso*, and heard ex parte as to them.

J. TAYLOR, *Clerk.*

Price of Adv. $3 00. 54—6w

State Bank of N. Carolina.

PURSUANT to a Resolution of the Stockholders of this Bank, at their last annual General Meeting, all persons having claims on said Bank for Dividends of Capital or Profits, Deposites, or Notes issued by the Principal Bank or its Branches, are earnestly desired to present them for payment to the Treasurer of the Bank, on or before the first Monday in November next, otherwise they will be barred, as the Stockholders will then make a final dividend of the effects of the Bank.

S. F. PATTERSON, *President.*

Raleigh, Dec. 23, 1836. 51- 3m

☞ To be inserted in all the newspapers printed within the state of North Carolina for *three* months—the bills to be sent to the Treasurer of the Bank, who will pay them to *order*.

WILLIAM W. GRAY'S

Invaluable OINTMENT,

FOR THE CURE OF

External Diseases, viz:

White Swellings, Scrofula and other Tumours, Sore Legs and Ulcers, Old and Fresh Wounds, Sprains and Bruises, Swellings and Inflamations, Scalds and Burns, Women's Sore Breasts, Scald Head, Rheumatic Pains, Chilblains, Tetters, Eruptions, Biles, Whitlows—and a most effectual remedy for the removal of Corns,

Also, Beckwith's Anti-Dispeptic Pills,

FOR SALE BY

ALLEN PARKS.

September 8. 35—

YEMEN.

THIS celebrated Arabian Horse will stand the next season at my stable on Stoney Creek, in Orange county. Terms will be made known in due time.

JAMES MOORE.

February 1. 55—

☞ The Raleigh Star and Milton Spectator will publish the above one month, and forward their accounts to this office.

NOTICE.

THE subscriber was qualified at the last term of the Court of Pleas and Quarter Sessions for Orange county, as executor to the last will and testament of John Minnis, dec'd: All persons indebted to said estate are therefore hereby requested to make immediate payment, and those having claims will present them properly authenticated within the time prescribed by law, or this notice will be plead in bar of recovery.

WILLIAM MINNIS, *Ex'r.*

February 9. 56- 3w

Temperance Advocate and Youths' Instructor.

THE subscribers propose to publish in the town of New Salem, Randolph County, N. C. a monthly periodical under the above title, to be devoted to the statement of facts and advancement of argument, calculated to arrest the progress of one of the most alarming and destructive vices that at present infest human society.

Our attention has often been called to the fact, that no paper now in, or ever has been published within the limits of the State, exclusively devoted to the cure of intemperance; nor shall we feel ourselves entirely restrained from the publication of other matter that may appear aptly associated with the main object in view. Believing, as we do, that there is a loud call for such a work as the one we here propose; we thereby take the liberty of soliciting the patronage and influence of all well wishers to the cause of religion, sobriety and good order.

TERMS OF PUBLICATION.

1st. Each number will consist of a fine super-royal sheet, in pamphlet form (16 octavo pages,) to be issued the first Saturday in every month,—to commence as soon as a sufficient number of subscribers are obtained. The price will be one dollar per vol. (consisting of 12 numbers,) if paid within 3 months from the date of the 1st no. received; or one dollar and twenty-five cents, within the year; if payment be delayed until the expiration of that time, $1.50 will be exacted.

Letters relative to the paper must be addressed (post paid) to the subscribers, New-Salem, N. C.

Postmasters, and officers and members of Temperance Societies will be considered agents for this publication. Those who may hold subscription papers, are requested to forward the same by the 15th of April next, as it is expected the 1st no. will be published the first Saturday in May.

WESLEY D. WILSON,
JOEL INGOLE.

New-Salem, N. C. Feb. 1837 57—

HILLSBOROUGH, N. C.

PUBLISHED WEEKLY

BY DENNIS HEARTT,

AT THREE DOLLARS A YEAR, OR TWO DOLLARS FIFTY CENTS IF PAID IN ADVANCE.

Those who do not give notice of their wish to have their paper discontinued at the expiration of the year, will be presumed as desiring its continuance until countermanded.—And no paper will be discontinued until all arrearages are paid, unless at the option of the publisher.

Persons procuring six subscribers, shall receive the seventh gratis.

Advertisements not exceeding sixteen lines will be inserted three times for one dollar, and twenty-five cents for each continuance.

Subscriptions received by the printer, and most of the post-masters in the state.

All letters upon business relative to the paper must be post paid